

WALTER B. MOORE, JR.

IBLA 78-604

Decided June 4, 1979

Appeal from a decision of the Wyoming State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer W 64571.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings

Strict compliance with 43 CFR 3112.2-1, which provides that simultaneous oil and gas drawing entry cards be signed and fully executed by an applicant or his agent, is required. Where no date of signing appears on an entry card, the offer is properly rejected.

2. Authority to Bind Government -- Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings

The burden of signing and fully executing a drawing entry card rests on the applicant. Reliance on instructions provided by a non-governmental filing service does not excuse the failure to fully execute a card.

APPEARANCES: Walter B. Moore, Jr., pro se.

OPINION BY ADMINISTRATIVE JUDGE BURSKI

Walter B. Moore, Jr., appeals from an August 9, 1978, decision of the Wyoming State Office, Bureau of Land Management (BLM), rejecting his simultaneous oil and gas lease offer W-64571. Moore's drawing entry card had been drawn second for Parcel No. WY 144.

Citing 43 CFR 3112.2-1(a) and Jack L. Macdowell, 34 IBLA 202 (1978), the State office rejected appellant's offer because he failed to date the drawing entry card. Appellant states that he did not date the card because, "I thought the BLM would do it upon receipt of the card." Appellant apparently believes that he was dealing with a filing company as he says, "I belonged to two other companies before joining BLM and they did not want the cards dated." He also submits the application and instruction form from a private filing service noting that one of the instructions states, "DO NOT DATE THE CARD." Appellant had not used the filing service for filing this offer.

[1] The Board has held on numerous occasions that strict compliance with the regulation is necessary, Thomas V. Gullo, 29 IBLA 126 (1977); Robert J. Burkhill, 28 IBLA 76 (1976); and John Willard Dixon, 28 IBLA 275 (1976), and that, under 43 CFR 3112.2-1, an undated drawing entry card is properly rejected. Jack L. Macdowell, *supra*, and Thomas C. Moran, 32 IBLA 168 (1977).

[2] Appellant indicates that he expected BLM to fill in the date on his card believing, it appears, that he had joined another filing company. The applicable regulation, 43 CFR 3112.2-1, requires that a drawing entry card be "signed and fully executed" by the applicant. The date must be entered on the card in order for the card to be fully executed as required by that regulation. John R. Mimick, 25 IBLA 107 (1976); Ray Flamm, 24 IBLA 10 (1976). The date is important because it shows that the applicant, by his signature, certifies all statements made on the card as of a particular date. John R. Mimick, *supra*.

Appellant also asserts that he followed the instructions on a private filing service's form. In John G. Keane, 37 IBLA 364 (1978), the appellant asserted that all of the literature that he had received with respect to drawing entry cards stated that he should not date the cards. The Board found that a non-governmental filing service had apparently given him the advice not to date the cards and said that "[s]uch advice, a fortiori, cannot relieve appellant of his regulatory burden of having the drawing entry card 'signed and fully executed.' This includes dating the card." *Id.* at 365. Similarly, when an applicant submits a drawing entry card directly to BLM, reliance on instructions from a private filing service does not excuse the failure to fully execute the card. The drawing entry card was properly rejected.

Therefore, pursuant to authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

James L. Burski
Administrative Judge

We concur:

Newton Frishberg
Chief Administrative Judge

Anne Poindexter Lewis
Administrative Judge

